

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-01337-ALC-SN**

Buzzfeed, Inc. v. U.S. Department of the Air Force
Assigned to: Judge Andrew L. Carter, Jr
Referred to: Magistrate Judge Sarah Netburn
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 02/12/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Buzzfeed, Inc.**

represented by **Anand Swaminathan**
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TERMINATED: 03/04/2019

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TERMINATED: 03/21/2019

V.

Defendant**U.S. Department of the Air Force**

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Date Filed	#	Docket Text
02/12/2019	<u>1</u>	COMPLAINT against U.S. Department of the Air Force. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16336590) Document filed by BuzzFeed, Inc.. (Attachments: # <u>1</u> Exhibit A – Request, # <u>2</u> Exhibit B – Acknowledgment, # <u>3</u> Exhibit C – Response, # <u>4</u> Exhibit D – Appeal, # <u>5</u> Exhibit E – Request 2, # <u>6</u> Exhibit F – Acknowledgment 2, # <u>7</u> Exhibit G – Request 3, # <u>8</u> Exhibit H – Acknowledgment 3)(Syed, Nabiha) (Entered: 02/12/2019)

		02/12/2019)
02/12/2019	<u>2</u>	CIVIL COVER SHEET filed. (Syed, Nabiha) (Entered: 02/12/2019)
02/12/2019	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate Comcast Corporation, Other Affiliate NBCUniversal Media LLC for Buzzfeed, Inc.. Document filed by Buzzfeed, Inc..(Syed, Nabiha) (Entered: 02/12/2019)
02/12/2019	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. DEPARTMENT OF THE AIR FORCE, re: <u>1</u> Complaint,. Document filed by Buzzfeed, Inc.. (Syed, Nabiha) (Entered: 02/12/2019)
02/12/2019	<u>5</u>	NOTICE OF APPEARANCE by Matthew Lynn Schafer on behalf of Buzzfeed, Inc.. (Schafer, Matthew) (Entered: 02/12/2019)
02/13/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Andrew L. Carter, Jr. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pc) (Entered: 02/13/2019)
02/13/2019		Magistrate Judge Sarah Netburn is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pc) (Entered: 02/13/2019)
02/13/2019		Case Designated ECF. (pc) (Entered: 02/13/2019)
02/13/2019	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department of the Air Force. (pc) (Entered: 02/13/2019)
02/26/2019	<u>7</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint, served. U.S. Department of the Air Force served on 2/19/2019, answer due 3/21/2019. Service was made by Mail. Document filed by Buzzfeed, Inc.. (Attachments: # <u>1</u> Exhibit Service as to U.S. Air Force, # <u>2</u> Exhibit Service as to U.S. Attorney's Office, # <u>3</u> Exhibit Service as to U.S. Attorney General)(Schafer, Matthew) (Entered: 02/26/2019)
03/01/2019	<u>8</u>	MOTION for Matthew L. Schafer to Withdraw as Attorney . Document filed by Buzzfeed, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Schafer, Matthew) (Entered: 03/01/2019)
03/01/2019	<u>9</u>	PROPOSED ORDER FOR WITHDRAWAL OF ATTORNEY. Document filed by Buzzfeed, Inc.. Related Document Number: <u>8</u> . (Schafer, Matthew) (Entered: 03/01/2019)
03/04/2019	<u>10</u>	ORDER granting <u>8</u> Motion to Withdraw as Attorney. Upon consideration of the MOTION FOR MATTHEW L. SCHAFFER TO WITHDRAW AS CO–COUNSEL FOR BUZZFEED, INC., it is this 4th day of March 2019, hereby ORDERED that the Motion is GRANTED. Attorney Matthew Lynn Schafer terminated. (Signed by Judge Andrew L. Carter, Jr on 3/4/2019) (rj) (Entered: 03/04/2019)
03/13/2019	<u>11</u>	NOTICE OF APPEARANCE by Anand Swaminathan on behalf of Buzzfeed, Inc.. (Swaminathan, Anand) (Entered: 03/13/2019)
03/14/2019	<u>12</u>	MOTION for Nabiha Syed to Withdraw as Attorney . Document filed by Buzzfeed, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Syed, Nabiha) (Entered: 03/14/2019)
03/14/2019	<u>13</u>	PROPOSED ORDER FOR WITHDRAWAL OF ATTORNEY. Document filed by Buzzfeed, Inc.. (Attachments: # <u>1</u> Certificate of Service) Related Document Number: <u>12</u> . (Syed, Nabiha) (Entered: 03/14/2019)
03/21/2019	<u>14</u>	ORDER granting <u>12</u> Motion to Withdraw as Attorney. Upon consideration of the MOTION FOR NABIHA SYED TO WITHDRAW AS CO–COUNSEL FOR BUZZFEED, INC., it is this 21st day of March 2019, hereby ORDERED that the Motion is GRANTED. Attorney Nabiha Syed terminated. (Signed by Judge Andrew L.

		Carter, Jr on 3/21/2019) (rj) (Entered: 03/21/2019)
03/21/2019	<u>15</u>	NOTICE OF APPEARANCE by Christopher Kendrick Connolly on behalf of U.S. Department of the Air Force. (Connolly, Christopher) (Entered: 03/21/2019)
03/21/2019	<u>16</u>	ANSWER to <u>1</u> Complaint,. Document filed by U.S. Department of the Air Force.(Connolly, Christopher) (Entered: 03/21/2019)
12/12/2019	<u>17</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Sarah Netburn. (Signed by Judge Andrew L. Carter, Jr on 12/12/2019) (rj) (Entered: 12/12/2019)
12/13/2019	<u>18</u>	INITIAL PRETRIAL CONFERENCE ORDER: An Initial Pretrial Conference pursuant to Rule 16 is scheduled for Tuesday, January 14, 2020, at 2:30 p.m. in Courtroom 219, Thurgood Marshall Courthouse, 40 Foley Square, New York, New York. (Initial Conference set for 1/14/2020 at 02:30 PM in Courtroom 219, 40 Centre Street, New York, NY 10007 before Magistrate Judge Sarah Netburn.) (Signed by Magistrate Judge Sarah Netburn on 12/13/2019) (ras) (Entered: 12/16/2019)
01/07/2020	<u>19</u>	LETTER addressed to Magistrate Judge Sarah Netburn from AUSA Christopher Connolly dated January 7, 2020 re: parties' proposed briefing schedule for cross-motions for summary judgment. Document filed by U.S. Department of the Air Force.(Connolly, Christopher) (Entered: 01/07/2020)
01/14/2020	<u>20</u>	ORDER: The Initial Pretrial Conference scheduled for Tuesday, January 14, 2020, is ADJOURNED as per the parties' request. By separate order, the Court will set a briefing schedule for the parties' cross-motions for summary judgment. (Signed by Magistrate Judge Sarah Netburn on 1/14/2020) (ras) (Entered: 01/14/2020)
01/21/2020	<u>21</u>	ORDER: In accordance with the parties' request to proceed to summary judgment briefing on the issue set forth in the parties' January 7, 2020 Letter, the Court enters the following schedule: Defendant's motion for summary judgment is due Thursday, March 5, 2020. Plaintiff's opposition and cross-motion for summary judgment is due Monday, April 6, 2020. Defendant's opposition and reply is due Wednesday, May 6, 2020. Plaintiff's reply in further support of its cross-motion is due Wednesday, May 27, 2020. Unless the parties consent to a magistrate judge's jurisdiction pursuant to 28 U.S.C. § 636(c), the motion shall be filed in accordance with Judge Carters Individual Rules of Practice. (Cross Motions due by 4/6/2020. Motions due by 3/5/2020. Responses due by 5/6/2020. Replies due by 5/27/2020.) (Signed by Magistrate Judge Sarah Netburn on 1/21/2020) (ras) (Entered: 01/22/2020)
02/27/2020	<u>22</u>	MOTION for Extension of Time to <i>Briefing Schedule</i> . Document filed by Buzzfeed, Inc.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order).(Swaminathan, Anand) (Entered: 02/27/2020)
03/02/2020	<u>23</u>	ORDER AMENDING BRIEFING SCHEDULE granting <u>22</u> Motion for Extension of Time. IT IS HEREBY ORDERED that the briefing schedule regarding the parties' cross- motions for summary judgment is amended as follows: March 19, 2020: Defendant's motion for summary judgment due, April 20, 2020: Plaintiff's opposition to motion for summary judgment and cross-motion for summary judgment due, May 20, 2020: Defendant's reply in support of motion for summary judgment and opposition to cross-motion for summary judgment due, June 10, 2020: Plaintiff's reply in support of cross-motion for summary judgment due., Motions due by 3/19/2020. (Signed by Judge Andrew L. Carter, Jr on 3/2/2020) (rj) (Entered: 03/03/2020)
03/02/2020		Set/Reset Deadlines: Cross Motions due by 4/20/2020. Responses due by 4/20/2020 Replies due by 6/10/2020. (rj) (Entered: 03/03/2020)
03/16/2020	<u>24</u>	LETTER MOTION for Extension of Time addressed to Judge Andrew L. Carter, Jr. from AUSA Christopher Connolly dated March 16, 2020. Document filed by U.S. Department of the Air Force..(Connolly, Christopher) (Entered: 03/16/2020)
03/17/2020	<u>25</u>	ORDER granting <u>24</u> Letter Motion for Extension of Time. SO ORDERED. Motions due by 4/2/2020. (Signed by Judge Andrew L. Carter, Jr on 3/17/2020) (rj) (Entered: 03/17/2020)

03/17/2020		Set/Reset Deadlines: Cross Motions due by 5/4/2020. Responses due by 6/3/2020 Replies due by 6/24/2020. (rj) (Entered: 03/17/2020)
04/02/2020	<u>26</u>	MOTION for Summary Judgment . Document filed by U.S. Department of the Air Force..(Connolly, Christopher) (Entered: 04/02/2020)
04/02/2020	<u>27</u>	MEMORANDUM OF LAW in Support re: <u>26</u> MOTION for Summary Judgment . . Document filed by U.S. Department of the Air Force..(Connolly, Christopher) (Entered: 04/02/2020)
04/02/2020	<u>28</u>	DECLARATION of Lt. Col. Brent F. Osgood in Support re: <u>26</u> MOTION for Summary Judgment .. Document filed by U.S. Department of the Air Force. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C).(Connolly, Christopher) (Entered: 04/02/2020)
05/04/2020	<u>29</u>	NOTICE of Motion. Document filed by Buzzfeed, Inc...(Swaminathan, Anand) (Entered: 05/04/2020)
05/04/2020	<u>30</u>	MOTION for Summary Judgment <i>Plaintiff's Combined Memorandum in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Summary Judgment</i> . Document filed by Buzzfeed, Inc...(Swaminathan, Anand) (Entered: 05/04/2020)
06/01/2020	<u>31</u>	LETTER MOTION for Extension of Time addressed to Judge Andrew L. Carter, Jr. from AUSA Christopher Connolly dated June 1, 2020. Document filed by U.S. Department of the Air Force..(Connolly, Christopher) (Entered: 06/01/2020)
06/02/2020	<u>32</u>	ORDER granting <u>31</u> Letter Motion for Extension of Time. SO ORDERED. (Signed by Judge Andrew L. Carter, Jr on 6/02/2020) (ama) (Entered: 06/02/2020)
06/02/2020		Set/Reset Deadlines: Replies due by 7/1/2020. (ama) (Entered: 06/02/2020)
06/10/2020	<u>33</u>	MEMORANDUM OF LAW in Opposition re: <u>30</u> MOTION for Summary Judgment <i>Plaintiff's Combined Memorandum in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Summary Judgment. and in further support of Defendant's motion for summary judgment</i> . Document filed by U.S. Department of the Air Force..(Connolly, Christopher) (Entered: 06/10/2020)
06/10/2020	<u>34</u>	DECLARATION of Lt. Col. Brent F. Osgood in Opposition re: <u>30</u> MOTION for Summary Judgment <i>Plaintiff's Combined Memorandum in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Summary Judgment</i> .. Document filed by U.S. Department of the Air Force..(Connolly, Christopher) (Entered: 06/10/2020)
06/16/2020	<u>35</u>	ORDER: Pursuant to Local Civil Rule 56.1(a), "[u]pon any motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, there shall be annexed to the notice of motion a separate, short and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried" "The papers opposing a motion for summary judgment shall include a correspondingly numbered paragraph responding to each numbered paragraph in the statement of the moving party, and if necessary, additional paragraphs containing a separate, short and concise statement of additional material facts as to which it is contended that there exists a genuine issue to be tried." Local Civil Rule 56(b). The summary judgment briefing recently filed in this matter does not include the requisite 56.1 statements. The Parties are hereby ORDERED to propose a schedule for submission of 56.1 statements. (Signed by Judge Andrew L. Carter, Jr on 6/16/2020) (rj) (Entered: 06/16/2020)
06/18/2020	<u>36</u>	LETTER addressed to Judge Andrew L. Carter, Jr. from AUSA Christopher Connolly dated June 18, 2020 re: parties' joint response to Court's order concerning Rule 56.1 statements. Document filed by U.S. Department of the Air Force..(Connolly, Christopher) (Entered: 06/18/2020)
06/29/2020	<u>37</u>	ORDER: The Court is in receipt of the Parties' June 18, 2020 letter. ECF No. 36. The Court will not order the submission of Rule 56.1 statements at this time. SO ORDERED. (Signed by Judge Andrew L. Carter, Jr on 6/29/2020) (rj) (Entered: 06/29/2020)

07/01/2020	<u>38</u>	REPLY MEMORANDUM OF LAW in Support re: <u>30</u> MOTION for Summary Judgment <i>Plaintiff's Combined Memorandum in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Summary Judgment.</i> . Document filed by BuzzFeed, Inc...(Swaminathan, Anand) (Entered: 07/01/2020)
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